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### REMARKS

Claims 1-23 were pending, of which claims 1, 9, 14-15, 19, 21, and 23 are independent. Claims 1-2, 9, 14-15, 19, 21, and 23 are amended. Claims 24-29 are added. No new matter is added. Reconsideration of the action mailed January 5, 2005, is respectfully requested in light of the foregoing amendments and the following remarks.

The Examiner rejected claims 9-13, 16, and 21-22 under 35 U.S.C. § 112, second paragraph, as being indefinite.

The Examiner rejected claims 1-4, 6, 8-21, and 23 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0060279 to Torango ("Torango '279"). The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Torango '279 in view of U.S. Patent No. 6,241,608 to Torango ("Torango '608"). The Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Torango '279 in view of U.S. Patent No. 6,454,648 to Kelly et al. ("Kelly"). Applicant traverses the rejections.

### **Section 112, Second Paragraph Rejections**

Claims 9-13, and 16 stand rejected as being indefinite. The Examiner states that the phrase "the same progressive" in claim 9 is unclear as to whether "progressive" refers to a progressive game or a progressive jackpot. Claim 9 has been amended to include the term "jackpot" following "the same progressive" to specify the type of progressive. Applicant respectfully submits that the § 112 rejection to claim 9, as well as dependent claims 10-13 and 16 has been overcome.

Claims 21-22 stand rejected as indefinite. The Examiner states that the preamble of claim 21 is unclear as to how "systems having different progressive payouts" are included on a computer program product. Applicant respectfully disagrees. Claim 21 states that the computer program product is for including gaming systems having different progressive payouts. Therefore, the preamble of claim 21 does not say that the systems are contained within the computer program product. Instead, the computer program product includes instructions that allow gaming systems having different progressive payouts to be included within the same

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progressive jackpot. Applicant respectfully submits that claim 21, as well as claim 22, which depends from claim 21, are in compliance with §112, second paragraph.

#### Section 102(e) Rejections

Claim 1 stands rejected as anticipated by Torango '279. Claim 1 is directed to a system for managing a progressive jackpot that includes a progressive management device operable to, in response to receiving a wager amount, calculate a percentage of a wager amount to be applied to a progressive jackpot such that a product of the progressive payout parameters of a wager amount necessary to participate in the progressive jackpot, an odds of winning the progressive jackpot, and a percentage of the wager amount to be applied to the progressive jackpot is equal for the first and second gaming system.

The Examiner states that Torango '279 discloses Applicant's progressive management device at paragraphs 100-102 and FIG. 7. Applicant respectfully disagrees. Paragraphs 100-102 describe FIG. 7, which is a chart illustrating gaming parameters for different games and the relationships between the different gaming parameters necessary to be part of particular progressive jackpot. The gaming parameters include a transaction value that describes different possible denominations used in a game (e.g., 5 cent wager, 25 cent wager). See Paragraph 100; FIG. 7. A contribution percent factor is also provided that describes an assigned amount of the transaction value contributed to a particular progressive prize. See Paragraph 100; FIG. 7. Additionally, an odds of winning the progressive factor is provided that describes the odds as a calculated function of the transaction value, contribution percent factor and the total contribution amount to the prize. See Paragraph 100; FIG. 7. Thus, the odds of winning the progressive jackpot are calculated such that each game participant contributes the same amount for a chance of winning the progressive prize. See Paragraph 102.

In order to join different gaming systems having predefined wager amounts and percentage of wager amount applied to the progressive jackpot into a same progressive, Torango '279 modifies the odds of winning the progressive jackpot for each gaming system. The odds of winning are calculated based on the predefined wager amount and percentage contribution parameters in order to achieve an equal contribution amount to the progressive jackpot from each

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gaming system. Torango '279 discloses only a modification of game odds and does not disclose or suggest adjusting a percentage of a wager amount applied to the progressive jackpot.

Additionally, Torango '279 provides a system for linking gaming systems in which the odds of winning the progressive jackpot can be altered as necessary to join games having fixed contribution percentages and transaction amounts. As a result, Torango '279 cannot add gaming systems having fixed odds where the game would not provide an equal contribution amount to the progressive jackpot. In contrast, the system provided by claim 1 can adjust a percentage of the wager amount to be applied to the progressive such that gaming systems having fixed odds can be included in the same progressive jackpot. As a result, the system of claim 1 can include gaming systems to participate in a progressive jackpot which would not be able to participate in the progressive jackpot disclosed by Torango '279.

Torango '279 does not disclose or suggest a gaming management device that, in response to receiving a wager amount, calculates a percentage of a wager amount to be applied to a progressive jackpot such that the product of the progressive payout parameters of a wager amount necessary to participate in the progressive jackpot, the odds of winning the progressive jackpot, and the percentage of the wager amount to be applied to the progressive jackpot is equal for each participating gaming system, as recited by claim 1. Applicant respectfully submits that claim 1, as well as claims 2-8, which depend from claim 1, are in condition for allowance.

Claim 9 stands rejected as anticipated by Torango '279. Claim 9, as amended, is directed to a method for including systems having different progressive payout parameters into the same progressive jackpot that includes adjusting a percentage of a wager amount to be applied by each gaming system such that a product of a wager amount to participate in a progressive jackpot, an odds of winning the progressive jackpot, and the percentage of the wager amount to be applied to the progressive jackpot is equal for a first and a second gaming system. For at least the same reasons set forth above with respect to claim 1, claim 9 as well as claims 10-13 and 16, which depend from claim 9, are in condition for allowance.

Claim 14 stands rejected as anticipated by Torango '279. Claim 14 is directed to a system for managing a progressive game where a percentage of a wager amount applied to the

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progressive jackpot is selected in response to receiving a wager amount such that a product of a wager amount necessary to participate in a progressive jackpot, an odds of winning the progressive jackpot, and the percentage of the wager amount to be applied to the progressive jackpot is equal for a first and a second gaming system. For at least the same reasons set forth above with respect to claim 1, claim 14 as well as claims 17 and 18, which depend from claim 14, are in condition for allowance.

Claim 15 stands rejected as anticipated by Torango '279. Claim 15 is directed to a method for including gaming systems having different currency types to in a progressive jackpot that includes adjusting a percentage of a wager amount applied to the progressive jackpot such that a product of a wager amount to participate in a progressive jackpot, an odds of winning the progressive jackpot, and the percentage of the wager amount to be applied to the progressive jackpot is equal to a constant. For at least the same reasons set forth above with respect to claim 1, claim 15 is in condition for allowance.

Claim 19 stands rejected as anticipated by Torango '279. Claim 19 is directed to a method for determining a progressive outcome that includes selecting a percentage of a wager amount applied to the progressive jackpot such that a product of a wager amount necessary to participate in a progressive jackpot, an odds of winning the progressive jackpot, and the percentage of the wager amount to be applied to the progressive jackpot is equal for each participating gaming system. For at least the same reasons set forth above with respect to claim 1, claim 19 as well as claim 20, which depends from claim 19, is in condition for allowance.

Claim 21 stands rejected as anticipated by Torango '279. Claim 21, as amended, is directed to a computer program product for including gaming systems having different progressive payout parameters into the same progressive jackpot where a percentage of a wager amount applied to the progressive jackpot is adjusted such that a product of a wager amount necessary to participate in a progressive jackpot, an odds of winning the progressive jackpot, and the percentage of the wager amount to be applied to the progressive jackpot is equal for a first and a second gaming system. For at least the same reasons set forth above with respect to claim 1, claim 21 as well as claim 22, which depends from claim 21, are in condition for allowance.

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Claim 23 stands rejected as anticipated by Torango '279. Claim 23 is directed to a computer program product for determining a progressive outcome that includes selecting a percentage of a wager amount applied to the progressive jackpot such that a product of a wager amount necessary to participate in a progressive jackpot, an odds of winning the progressive jackpot, and the percentage of the wager amount to be applied to the progressive jackpot is equal for each participating gaming system. For at least the same reasons set forth above with respect to claim 1, claim 23 is in condition for allowance.

#### New Claims

Dependent claims 24-29 are added. Claim 24 is directed to a progressive management device that further includes a second component operable to select a percentage of a received wager amount to apply to a progressive jackpot and to apply the selected percentage of the wager amount to the progressive jackpot. For at least the same reasons set forth with respect to claim 1, claim 24 is also allowable.

Claim 25 is directed to a method that includes selecting a percentage of a received wager amount to apply to a progressive jackpot and applying the percentage of the wager amount to the progressive jackpot. For at least the same reasons set forth with respect to claim 9, claim 25 is also allowable.

Claim 26 is directed to a system having a progressive management device that further includes a second component operable to select a percentage of a received wager to apply to a progressive jackpot and to apply the selected percentage of the wager amount to the progressive jackpot. For at least the same reasons set forth with respect to claim 14, claim 26 is also allowable.

Claim 27 is directed to a method for determining a progressive outcome that includes identifying a source gaming system for a wager amount and selecting a percentage of the wager amount to be applied to a progressive jackpot. For at least the same reasons set forth with respect to claim 19, claim 27 is also allowable.

Claim 28 is directed to a computer program product that includes instructions to identify a source gaming system of a received wager amount, select a percentage of the received wager

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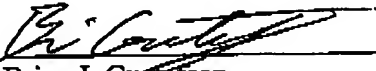
amount to apply to a progressive jackpot, and apply the percentage of the wager amount to the progressive jackpot. For at least the same reasons set forth with respect to claim 21, claim 28 is also allowable.

Claim 29 is directed to a computer program product that includes instructions to identify a source gaming system for a wager amount and select a percentage of the wager amount to be applied to a progressive jackpot. For at least the same reasons set forth with respect to claim 23, claim 29 is also allowable.

Applicant respectfully requests that all pending claims be allowed. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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